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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,622	11/20/2001	Kenji Yoshioka	21900/0037	2069

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EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

8

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,622

Applicant(s)

YOSHIOKA ET AL.

Examiner

Julio R Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/02/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (5572204) in view of Murphy (5991690).

Regarding claim 1, Timm et al. teach an emergency communication system with an emergency communication system terminal unit provided on a vehicle, comprising: an emergency communication transmission button for starting transmission processing when pressed by a user in an emergency (col. 1, lines 61-62; col. 3, line 2; Fig. 1, ref. 26, a button to announce an emergency); gyro sensor for detecting advancing direction of the vehicle (col. 4, lines 5-10; vehicle movement and speed may be determined as the receiver (in vehicle) moves in relation to the satellites, in which the movement causes a shift in the signals; that is, the Doppler effect); a GPS antenna for receiving signal waves from a plurality of satellites (col. 2, lines 61; Fig. 23, a GPS antenna is attached to the GPS receiver for receiving signals from satellites (12)); a GPS receiver for detecting predetermined data respectively from a plurality of signal waves received

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by said GPS antenna (col. 2, line 60; Fig. 21, GPS receiver receives signal waves through the GPS antenna); a position information acquisition unit for generating position information to indicate position of the vehicle based on a signal from the gyro sensor and the GPS receiver (col. 2, lines 3-5; col. 4, lines 5-10, a position locator provides position information about the vehicle position, which is updated every one second); a storage unit for storing various types of data (col. 4, lines 10-13; col. 7, lines 33-39, the system provides means for storing several data); emergency communication conveying means for transmitting emergency information using a telephone number stored in advance in said storage unit when said emergency communication transmission button is pressed (col. 2, lines 5-11; col. 4, lines 56-63; col. 7, lines 33-34; a cellular telephone number may be dialed by the cellular transceiver); data output means for outputting data including advancing direction of the vehicle inputted from said gyro sensor and position information generated according to a signal inputted from said GPS receiver to a navigation system connected to external part of the emergency communication system terminal unit (col. 7, lines 40-44 and 49-52; col. 8, lines 11-16, a display, the message center, means for outputting data information is contained within the system); and a control unit for controlling the entire emergency communication system terminal unit (Fig. 1, ref. 20; col. 2, lines 6-11; col. 2, lines 59-60, the controller controls the communication means of the emergency communication system and the rest of the system).

Timm et al. do not explicitly disclose wherein the navigation system includes display means and means for indicating present position of said vehicle on said display

means on the basis of said data from said output means; and, thereby making it possible to indicate, by said navigation system, a position of the vehicle without having an additional gyro sensor and an additional GPS receiver within said navigation system per se.

Murphy teaches a method and an apparatus for providing navigation information including a location display, which displays the location of the current location of the vehicle (col. 2, lines 37-44; col. 5, lines 33-49; col. 6, lines 22-27, 60-65; Figs. 1B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system as taught by Timm et al. by implementing the system with display means in order to the route as well as the present position of the vehicle because it would provide Timm's system with the enhanced capability of displaying not only the position of the vehicle, but also en-route location traversal determination for determining whether the vehicle has passed through the en-route location by comparing position information indicative of the sensed present position of the vehicle and position information indicative of the en-route location, and display guidance data necessary for instructional guidance, and a central processor for executing route finding processing, display guidance processing necessary for route guidance, and control of the overall system.

Regarding claim 2, Timm et al. teach an emergency communication system, wherein a position information, indicating position and status of the vehicle as generated according to a data from said gyro sensor and to a signal from said GPS receiver from the data necessary for performing map matching and possessed by the position

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information acquisition unit to said navigation system by said data output means based on trigger condition such as a request of the navigation system or a timer in the control unit (col. 7, lines 33-52; col. 8, lines 11-16, position information is provided with respect to the location of the vehicle and may be displayed by the display means, the message center).

Regarding claim 3, Timm et al. teach an emergency communication system, wherein a speed pulse data indicating the present speed of the vehicle as possessed by said position information acquisition unit is outputted to said navigation system by the data output means based on a trigger condition such as a request of the navigation system or a timer in the control unit (col. 4, lines 5-10; col. 7, lines 49-52; col. 8, lines 11-16, position of the vehicle location is validated every one second; the validation also includes the updating of the speed and direction of the vehicle).

Regarding claim 4, Timm et al. teach an emergency communication system, wherein a reverse data indicating moving status of the vehicle such as forward moving or backward moving and possessed by said position information acquisition unit is outputted to said navigation system by the data output means based on a trigger condition such as a request of the navigation system or a timer in the control unit (col. 4, lines 5-13; col. 7, lines 49-53; col. 8, lines 11-16, the direction and speed of the vehicle may be determined by Doppler effects, as received on the GPS satellites signals, as the vehicle is moving).

Regarding claim 5, Timm et al. teach an emergency communication system, wherein a data of latitude and longitude as possessed by said position information

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acquisition unit is outputted to said navigation system by said data output means, based on a trigger condition such as a request of the navigation system or a timer in the control unit (col. 5, lines 22-26; col. 7, lines 33-44 and 50-52; col. 8, lines 11-16, position data output by the GPS, latitude and longitude, is provided; this information is updated every second).

Regarding claim 6, Timm et al. teach an emergency communication system, wherein a data necessary for performing map matching and possessed by said position information acquisition unit is outputted to said navigation system by the data output means based on a trigger condition such as a request of the navigation system or a timer in the control unit (col. 7, lines 49-53; col. 8, lines 11-16, position location information may be displayed on the display means; that is exact location of the vehicle may be visualized).

Regarding claim 7, Timm et al. teach a navigation system, connectable to an emergency communication system terminal unit in such a manner that signals can be transmitted or received, said emergency communication system terminal unit being installed on a vehicle and comprising a gyro sensor for generating information including advancing direction of the vehicle (col. 2, lines 1-5, speed and movement of the vehicle are provided by the system), a GPS antenna for receiving signal waves from satellites (col. 2, lines 53-63; Fig. 1, ref. 23, GPS antenna attached to the GPS receiver, and a GPS receiver for receiving a desired data from said received signal waves (col. 2, line 61, a GPS receiver is included), said navigation system comprising: means for performing map matching based on the information including advancing direction as

received from said gyro sensor and the data received by said GPS receiver from said GPS antenna (col. 7, lines 49-53; col. 8, lines 11-16, 63-67; col. 9, lines 1-2, position location information may be displayed on the display means; that is exact location of the vehicle may be visualized); and control means for indicating the information including position of the vehicle to display means based on the result of said map matching (Fig. 1, ref. 20 and 27; col. 2, lines 6-11 and 59-60; col. 8, lines 11-16, the controller controls the communication means of the emergency communication system and more functions of the system).

Timm et al. do not explicitly disclose thereby making it possible to indicate the position of the vehicle without having an additional gyro sensor, an additional GPS antenna and an additional GPS receiver within said navigation system per se.

Murphy teaches a method and an apparatus for providing navigation information including control means and a location display, which displays the location of the current location of the vehicle (col. 2, lines 37-44; col. 5, lines 33-49; col. 6, lines 22-27, 60-65; Figs. 1B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system as taught by Timm et al. by implementing the system with display and control means in order to display the route as well as the present position of the vehicle because it would provide Timm's system with the enhanced capability of displaying not only the position of the vehicle, but also en-route location traversal determination for determining whether the vehicle has passed through the en-route location by comparing position information

indicative of the sensed present position of the vehicle and position information indicative of the en-route location, and display guidance data necessary for instructional guidance, and a central processor for executing route finding processing, display guidance processing necessary for route guidance, and control of the overall system.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Timm et al. (5572204).

Regarding claim 8, Timm et al. teach a navigation system, electrically, connectable to an emergency communication system terminal unit, said terminal unit being installed on a, vehicle and comprising a gyro sensor for generating information including advancing direction of the vehicle, and said navigation system comprises means for receiving said information generated by said gyro sensor, thereby making it possible to indicate a position of the vehicle without having an additional gyro sensor within said navigation system per se (Fig. 1, refs. 20, 21, 22, and 27; col. 2, lines 1-11, 51-67; col. 4, lines 1-13; col. 8, lines 11-16, the system comprises a GPS receiver incorporating a system controller and message that communicates with a cellular transceiver, which in turn provide speed, direction, movement, and position of the

to the current vehicle location detected via the GPS reception and the obtained heading and speed information as obtained but the sensor unit and the data relating to the vehicle location is displayed).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to systems providing position information in emergency situations.

US pat. No. 5931888 to Hiyokawa	Navigation system for vehicles with route searching
US pat. No. 6006076 to Nakamura	Mobile FM Receiving device
US pat. No. 20010002815 to Seto	Emergency call system
US pat. No. 5774071 to Konishi et al.	On-board vehicle navigation system

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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12/15/04



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